

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8239 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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CHHOTURAM ASHARAM HIR

Versus

STATE OF GUJARAT

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Appearance:

MR CH VORA for Petitioner  
MR YS MANKAD for Respondent No. 1, 4  
Ms.Harsha Devani, AGP for the State

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 26/04/96

ORAL JUDGMENT

The say of the petitioner is that he was running a tea-canteen and restaurant for more than 20 years upon the small piece of land granted on rent by Bhuj Nagarpalika. However, the respondent No.2, on 5.9.1995, in an arbitrary and high-handed manner, demolished the cabin of the petitioner. The say of the petitioner is that he was regularly paying rent of the premises to the

Nagarpalika and the receipt shows that he has paid the rent upto 31.3.1995. The petitioner has produced receipt dated 19.6.95 at Annexure 'C'. The submission of the learned Advocate for the petitioner is that the action of the respondent-Nagarpalika is in disregard to the principles of natural justice. He further submits that he is prepared to reconstruct the cabin on his own expenses and further the petitioner is prepared to give an undertaking that he will not make any encroachment whatsoever on the public street or public places adjoining to the demolished cabin.

2. Considering the facts of the case, particularly that the petitioner is a petty tea vendor and the fact that he was running the restaurant for more than 20 years and he had been paying rent regularly and further the fact that he undertakes not to make any encroachment on the public street or public place, it would meet ends of justice, if the respondent-Nagarpalika reconsiders the entire matter.

3. In view of the aforesaid, this Special Civil Application is partly allowed and the respondent-Nagarpalika is directed to consider the entire matter sympathetically in its right perspective if the petitioner makes a representation within a period of 4 weeks from today. If the representation is made within a period of 4 weeks, the same shall be decided within a period of 8 weeks from the date of receipt of such representation.

Rule made absolute to the aforesaid extent.

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